

Phoenix, AZ

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ISS FACILITY SERVICES, INC.

and

Case 28-CA-126024

UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL 99

ORDER APPROVING STIPULATION, GRANTING MOTION,
AND TRANSFERRING PROCEEDING TO THE BOARD

This matter comes before the Board upon the joint motion of Respondent ISS Facility Services, Inc., Charging Party United Food and Commercial Workers Union, Local 99, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceedings to the Board for a decision based on the stipulated record.

On June 30, 2014, the General Counsel, through the Regional Director for Region 28, issued a complaint and notice of hearing alleging that, since on or about October 4, 2013, Respondent has maintained an overly broad and discriminatory “Mutual Agreement to Arbitrate Claims (MAAC),” which requires employees to waive the right to maintain class or collective actions in all forums, whether arbitral or judicial, as a condition of employment and which interferes with employees’ access to the Board and its processes. The complaint alleges that, by the foregoing conduct, the Respondent has violated Section 8(a)(1) of the Act by interfering with, restraining, and coercing employees in the exercise of their Section 7 rights.

On August 27, 2014, the parties filed a joint motion and stipulation of facts with the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set a time for the filing of briefs.

The Board having considered the matter,

IT IS ORDERED that the joint motion is granted and the case is transferred to and continued before the Board in Washington, D.C., for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which consists of the Charge, the Amended Charge, the Complaint and Notice of Hearing, the Answer to the Complaint and Notice of Hearing, the Stipulation of Facts, the appended copy of Respondent's Mutual Agreement to Arbitrate Claims (MAAC), the Statement of Issues Presented, and each party's Statement of Position, is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C., on or before [21 days after Order issues], and answering briefs 14 days thereafter in accordance with Section 102.35(a)(9) of the Board's Rules and Regulations.

Dated, Washington, D.C., December 1, 2014

By Direction of the Board:

Gary Shinnors

Executive Secretary